

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/JP2004/008405	International filing date (day/month/year) 09.06.2004	Priority date (day/month/year) 11.06.2003
International Patent Classification (IPC) or both national classification and IPC H01L21/20, C30B13/22		
Applicant CANON KABUSHIKI KAISHA		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:  European Patent Office - Gitschner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer Le Meur, M-A Telephone No. +49 30 25901-770
--	--



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/JP2004/008405**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material:

- a sequence listing
 table(s) related to the sequence listing

b. format of material:

- in written format
 in computer readable form

c. time of filing/furnishing:

- contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

BEST AVAILABLE COPY

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2004/008405

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	11
	No:	Claims	1-10, 12-20
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-20
Industrial applicability (IA)	Yes:	Claims	1-20
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

BEST AVAILABLE COPY

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/JP2004/008405

IAP8 Rec'd PCT/PTO 09 DEC 2005

Re Item V.

- 1 The following document is referred to in this communication:
D1 : DE 196 51 003 A (HAHN MEITNER INST BERLIN GMBH) 4 June 1998
(1998-06-04)
- 2 INDEPENDENT CLAIMS 1 AND 15:
 - 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parenthesis applying to this document):

A process for producing a crystallized film (see abstract), comprising the steps of:
- preparing a film having a crystal grain at a prescribed location (step A, see abstract)
- melting a part of a region surrounding the crystal grain of the film and a part of a boundary between the crystal grain and the surrounding film locally by pulse heating (step B, see abstract, and column 4 line 60 to column 5 line 11).

The subject-matter of claim 1 is therefore not new (**Article 33(2) PCT**).

- 2.2 The film resulting from the method disclosed in D1 (see abstract) is novelty destroying for the subject-matter of claim 15.
Claim 15 therefore does not comply with **Article 33(2) PCT**.

3 DEPENDENT CLAIMS 2-14, 16-20:

Dependent claims 2-14, 16-20 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

4. All claims comply with Article 33(4) regarding industrial applicability.

Re Item VIII

Certain observations on the international application

BEST AVAILABLE COPY

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/JP2004/008405

It should be pointed out that the application does not comply with Article 6 PCT regarding clarity for the following reasons:

- the step of "preparing a film having a crystal grain" is most vague and could actually include the first shot of any sequential lateral solidification process, thereby rendering the routinely used SLS process novelty destroying for the claimed method.
- expressions like "at a prescribed location" are vague and leaves the reader in doubt as to the exact meaning of this wording.

BEST AVAILABLE COPY